

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
  
CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:19-cr-00131

ROBERT LOGAN GORMAN

**MEMORANDUM OPINION AND ORDER**

Pending before the court is Defendant Robert Gorman's Motion to File Under Seal, [ECF No. 44]. On June 26, 2020, Defendant Robert Logan Gorman filed an Emergency Motion for Compassionate Release, [ECF No. 42], Memorandum of Law in Support thereof, and Exhibits thereto, including a placeholder for Exhibit F. In his Motion, [ECF No. 44], Defendant Gorman requests to file Exhibit F under seal pursuant to S.D. W. Va. Local Rule 26.4(c) and Federal Rule of Civil Procedure 5.2(d), because the Exhibit contains confidential and sensitive information regarding his medical conditions and health. Local Rule 26(4)(c) provides that in general, court documents must be public. The Rule specifies that a party petitioning the court to seal exhibits must offer an accompanying memorandum describing,

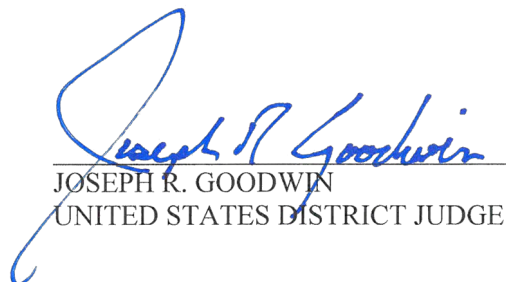
- (a) the reasons why sealing is necessary, including the reasons why alternatives to sealing, such as redaction, are inadequate;
- (b) the requested duration of the proposed seal; and
- (c) a discussion of the propriety of sealing, giving due regard to the parameters of the common law and First

Amendment rights of access as interpreted by the Supreme Court and our Court of Appeals.

S.D. W. Va. L. R. 26.4(c). The public has a presumptive right to access to judicial documents at common law and under the First Amendment. *United States v. Moussaoui*, 65 F. App'x 881, 885 (4th Cir. 2003). "The value of openness in judicial proceedings can hardly be overestimated." *Id.* If Defendant intends for me to rely on certain records contained in Exhibit F in my ruling, then the public has a right to review that material. I find that the public right to access, in this case, is not outweighed by Defendant's privacy interest. The Court, having examined Exhibit F, finds that much of the material is irrelevant. Accordingly, I **GRANT** Defendant's Motion to File Under Seal, [ECF No. 44], but **DIRECT** Defendant to file an unsealed copy of the portions of Exhibit F that he deems relevant and that he relies on in support of his Motion for Compassionate Release, [ECF No. 42]. I further **DIRECT** Defendant to redact any irrelevant, sensitive, or personally identifying information contained in the portions of Exhibit F to be filed on the public record.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshall.

ENTER: July 21, 2020



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE